

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

**GERALD WILLIAM-GLENN VANN
& AMELIA V. VANN,**

DEBTORS.

CASE NO.: 11-72671

CHAPTER: 13

JUDGE: RHODES

MOTION TO ALLOW DEBTORS TO INCUR DEBT NUNC PRO TUNC

NOW COME, the Debtors herein, by and through the Debtors' attorneys, Frego & Associates, P.L.C., and in support of their Motion to Allow Debtors to Incur Debt Nunc Pro Tunc state as follows:

1. On December 30, 2011, Debtors commenced a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. The Debtors' Chapter 13 Plan was confirmed on March 31, 2012.
3. The Debtors' Confirmed Chapter 13 Plan proposes to pay the unsecured creditors 100% dividend plus 4% interest.
4. The Debtors have a good payment history and are not seeking to reduce the dividend to be paid to unsecured creditors.
5. The Debtors' 2005 Ford Explorer's transmission was failing and the Debtors' required a reliable vehicle for transportation to and from work.
6. The Debtors' were able to secure financing through Dick Scott Chrysler Dodge Jeep Ram and/or their assignee, Chrysler Capital for a 2013 Chrysler Town & Country, hereinafter referred to as "vehicle". (See Retail Installment Sales Contract which is attached as Exhibit 6)
7. The total purchase price for the vehicle was \$46,871.52 of which the debtors have paid a \$15,000.00 down payment consisting of \$2,000.00 manufacturer's rebates, \$11,500.00 cash and \$1,500.00 gross trade-in allowance for the debtors' 2005 Ford Explorer.
8. That the debtors' used monies which were recently received as a result of the co-debtor's father passing away to make the \$11,500.00 cash down payment.
9. That the total payments under the Retail Installment Sales Contract are \$31,871.52 at an annual percentage rate of 9.10%.
10. That the monthly installment payment schedule under the contract for the vehicle is \$442.66 for 72 months commencing June 24, 2013.
11. Amended Schedule J is being filed simultaneously herewith.

12. At the time the Debtors entered into the Motor Vehicle Installment Contract they were unaware that they first needed to obtain permission from the Court to incur debt.
13. Debtors are now seeking the approval of this Court for this loan and they are aware that they must obtain this Court's approval prior to securing any loans in the future.
14. There is no negative impact to creditors as a result of this vehicle purchase due to the fact that debtors are already paying their unsecured creditors a 100% dividend.

WHEREFORE, Debtors pray this Honorable Court will enter an Order Allowing Debtors to

Incur Debt / Obtain Credit Nunc Pro Tunc.

Respectfully submitted,

Dated: June 7, 2013

/s/ Andrea R. Howard
Frego & Associates – The Bankruptcy
Law Office, PLC
23843 Joy Road
Dearborn Heights, MI 48127
(313) 724-5088
fregolaw@aol.com
Andrea R. Howard (P69860)

United States Bankruptcy Court
Eastern District of Michigan

In re **Gerald William Vann**
Amelia V. Vann

Case No. **11-72671-swr**

Debtor

Address **43282 Silverwood Dr.**
Canton, MI 48188

Chapter **13**

Last four digits of Social Security or Individual Tax-
payer Identification (ITIN) No(s) (if any): **xxx-xx-9635**

Employer's Tax Identification (EIN) No(s) (if any): **xxx-xx-0827**

NOTICE OF MOTION TO ALLOW DEBTORS TO INCUR DEBT NUNC PRO TUNC

Debtor has filed papers with the court to incur debt nunc pro tunc.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the motion, or if you want the court to consider your view on the motion, **within 14 days**, you or your attorney must:

1. File with the court a written response or an answer, that complies with F.R. Civ. P. 8(b),(c) and (e), explaining your position at:

United States Bankruptcy Court
211 W. Fort Street, 17th Floor
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive it on or before 14 days** after the date stated below.

You must also mail a copy to:

Frego & Associates- The Bankruptcy
Law Office, PLC
Attorneys for Debtor(s)
23843 Joy Road
Dearborn Heights, MI 48127

Krispen S. Carroll
Chapter 13 Trustee
719 Griswold Street
1100 Dime Building
Detroit, MI 48226

Gerald & Amelia Vann
43282 Silverwood Dr.
Canton, MI 48188

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: June 7, 2013

/s/ Andrea R. Howard

Frego & Associates – The Bankruptcy Law Office, PLC
Andrea R. Howard (P69860)
23843 Joy Road
Dearborn Heights, MI 48127
(313) 724-5088
fregolaw@aol.com

EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

**GERALD WILLIAM-GLENN VANN
& AMELIA V. VANN,**

DEBTORS.

CASE NO.: 11-72671
CHAPTER: 13
JUDGE: RHODES

ORDER ALLOWING DEBTORS TO INCUR DEBT / OBTAIN CREDIT NUNC PRO TUNC

Debtors having filed a Motion to Allow Debtors to Incur Debt / Obtain Credit Nunc Pro Tunc, all interested parties having received Notice, a Certificate of No Response having been filed and the Court being more fully advised;

IT IS HEREBY ORDERED:

1. Debtors shall be allowed to enter into a Retail Installment Sales Contract with Dick Scott Chrysler Dodge Jeep Ram and/or it's assignee, Chrysler Capital, for the purchase of a 2013 Chrysler Town & Country for total payments of \$31,871.52 at 9.10% APR with monthly installment payments of \$442.66 per month for 72 months commencing June 24, 2013.
2. Debtors shall make payments of \$442.66 per month for the 2013 Chrysler Town & Country directly to Dick Scott Chrysler Dodge Jeep Ram and/or it's assignee, Chrysler Capital.
4. The Chapter 13 plan is in no way altered and remains in full force and effect.

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

**GERALD WILLIAM-GLENN VANN
& AMELIA V. VANN,**

CASE NO.: 11-72671

CHAPTER: 13

JUDGE: RHODES

DEBTORS.

CERTIFICATE OF SERVICE

Andrea R. Howard, under penalty of contempt of court, states that on June 7, 2013, she served Debtors' MOTION TO INCUR DEBT NUNC PRO TUNC, EXHIBITS 1, 2, 4, 6 in said case with the Clerk of the Court using the E.C.F. system which will send notification of such filing to the following parties:

TRUSTEE: Krispen Carroll : notice@det13ksc.com

Dated: June 7, 2013

/s/ Andrea R. Howard
Frego & Associates – The Bankruptcy
Law Office, PLC
23843 Joy Road
Dearborn Heights, MI 48127
(313) 724-5088
fregolaw@aol.com
Andrea R. Howard (P69860)

and Peter J. Ramik, Jr., under penalty of contempt of court, states that on June 7, 2013, he served the Debtors' MOTION TO INCUR DEBT NUNC PRO TUNC, EXHIBITS 1, 2, 4, 6 and this CERTIFICATE OF SERVICE by depositing said copies in the U.S. Mail, postage prepaid, properly addressed as follows:

CREDITORS: All Creditors on the Attached P.A.C.E.R. Matrix

/s/ Peter J. Ramik, Jr.
an employee of
Frego & Associates – The Bankruptcy
Law Office, PLC
23843 Joy Road
Dearborn Heights, MI 48127
(313) 724-5088
fregolaw@aol.com

EXHIBIT 4